

CLEARY GOTTlieb STEEN & HAMILTON LLP

One Liberty Plaza
New York, NY 10006-1470
T: +1 212 225 2000
F: +1 212 225 3999

clearygottlieb.com

AMERICAS	ASIA	EUROPE & MIDDLE EAST	
NEW YORK	BEIJING	ABU DHABI	LONDON
SAN FRANCISCO	HONG KONG	BRUSSELS	MILAN
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WASHINGTON, D.C.			

D: +1 212-225-2000
jrosenthal@cgsh.com

CRAIG R. BROD
RICHARD J. COOPER
JEFFREY S. LEWIS
PAUL J. SHIM
STEVEN L. WILNER
DAVID C. LOPEZ
MICHAEL A. GERSTENZANG
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ANNA KOGAN
BRANDON M. HAMMER
BRIAN J. MORRIS
CARINA S. WALLANCE
ALEXANDER JANGHORBANI
RESIDENT COUNSEL

April 28, 2023

VIA ECF

The Hon. Paul G. Gardephe
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Glaz LLC, et al. v. Sysco Corp.*, No. 23-CV-02489-PGG (S.D.N.Y.)

Dear Judge Gardephe:

We write on behalf of Respondent Sysco Corporation (“Sysco”) in response to Petitioners’ (collectively, “Burford”) bizarre April 24, 2023 letter purporting to explain to Your Honor why Burford chose *not* to seek relief in the form of a motion to remand this case to state court. *See* ECF No. 16 (“Letter”). By writing to the Court for the express purpose of not seeking relief, in reality, the Letter is actually nothing more than a procedurally improper second supplement to Burford’s opposition to Sysco’s motion to transfer this case to the Northern District of Illinois (“IL Court”). *See* ECF No. 5 (Sysco’s pre-motion letter on motion to transfer). The Court should therefore disregard the Letter, which Burford did not seek leave to submit.

In any event, the question of the IL Court’s jurisdiction is for that court to decide if and when Burford actually challenges such jurisdiction (which it has never done and would have no legal basis to do). Burford’s non-existent challenge to the IL Court’s jurisdiction with respect to the first-filed petition presently before that court is certainly of no consequence to this Court’s consideration of Sysco’s transfer motion. The question for this Court on Sysco’s motion to transfer is whether Burford’s petition to confirm could have been brought in the IL Court, *see* ECF No. 5 at 3-5. Burford’s concession that the arbitral award at issue indeed does fall under the New York Convention and thus that this Court has subject matter jurisdiction also means that Burford cannot credibly challenge that its petition could have been brought in the IL Court. In any event, we stand ready to litigate the IL Court’s jurisdiction should Burford ever challenge it.

The Hon. Paul G. Gardephe, p. 2

If the Court has any further questions or concerns on these issues, we are available to address them through any further submission that would be of assistance.¹

Respectfully submitted,

/s/ Jeffrey A. Rosenthal

Jeffrey A. Rosenthal

Lina Bensman

CLEARY GOTTlieb STEEN & HAMILTON LLP

One Liberty Plaza

New York, New York 10006

T: 212-225-2000

F: 212-225-3999

jrosenthal@cgsh.com

lbensman@cgsh.com

Christopher P. Moore

CLEARY GOTTlieb STEEN & HAMILTON LLP

2 London Wall Place

London EC2Y 5AU

United Kingdom

+ 44 20 7614 2200 (Telephone)

cmoore@cgsh.com

Attorneys for Respondent Sysco Corporation

¹ Burford continues to assert that this Court lacks diversity jurisdiction, *see* Letter at 1, but has failed to establish that point. While it is mooted by Burford's concession of subject matter jurisdiction, all of Sysco's rights are reserved as to that issue.